TOWN OF COLCHESTER
COLCHESTER BOARD OF EDUCATION

PURCHASING POLICY

Effective: Date of Approval Below

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SECTION A
DEFINITIONS & GENERAL REQUIREMENTS

1. DEFINITIONS

The following terms shall have the definitions as set forth below:

First Selectman: as defined in the Charter of the Town of Colchester.

Local Vendor: a vendor whose principal place of business is located in Colchester.

Lowest Qualified Responsible Bidder: the bidder offering the lowest price among those bidding who possesses the skill, ability, and integrity necessary for the performance of the work based on objective criteria considering, amongst other factors, past performance and financial responsibility.

Purchasing Agent: the First Selectman or Superintendent, as applicable, or his/her designee.

Request for Proposal (RFP): an invitation for vendors to submit a proposal for a specific good or service.

Request for Qualification (RFQ): an invitation for vendors to submit a description of relevant qualifications to perform a certain professional service.

Superintendent: the Superintendent of the Colchester School District.

Vendor: someone from whom a good or service is purchased.

2. PURPOSE

The purpose of this policy is to establish a systematic and uniform system for the procurement of services and goods required by any department, office or agency of the Town, including the Board of Education.

3. COORDINATION WITH OTHER APPLICABLE LAWS

In all respects, the provisions of this Policy shall be subject to the terms, conditions, requirements and other directives as contained in any applicable local, state or federal regulation, law, statute, policy or other directive, including but not limited to those pertaining to affirmative action and prevailing wages, as applicable.

4. OBJECTIVES

The objectives of this policy are as follows:

- To clearly establish the responsibility for the purchasing function as being vested with the First Selectman and Superintendent or his/her duly appointed representative(s).
- To procure services and goods from the Lowest Qualified Responsible Bidder.
- To provide an expeditious and efficient means of procuring materials, goods, or services.
- To ensure that all purchasing functions and practices are conducted in accordance with the Town charter and all other applicable local, state or federal requirements.
- To ensure that the Town and Board of Education make its purchases from local vendors whenever it is in the best interests of the Town and is consistent with this policy.

5. RESPONSIBILITY FOR COMPLIANCE

Compliance with this Purchasing Policy shall be monitored as follows:

a. The First Selectman and/or Superintendent, as applicable, shall bear primary, non-delegable responsibility for ensuring compliance with this policy.

b. The Purchasing Agent shall be responsible for establishing specifications and procedures for procuring goods or services, as applicable.

c. All employees, including department heads, supervisors, principals, directors and any others authorized to make purchases for the Town or Board of Education are responsible for following the provisions outlined in this policy when making purchases with Town or Board of Education funds.

d. The Chief Financial Officer or his/her designee will establish forms and processes to carry out the policies and procedures contained in this Policy, subject to the approval of the First Selectman and/or Superintendent, as applicable.

6. COMMUNICATION WITH VENDORS

All contracts between the Town or Board of Education and the vendor's representative shall be negotiated through the Purchasing Agent. The Purchasing Agent will refer catalogs or other advertising materials to the departments and/or schools concerned with the subject matter therein. The Purchasing Agent shall be copied on all correspondence originating from such department and/or school to/from vendors.

7. BULK PURCHASING

Whenever possible, the Purchasing Agent shall consolidate purchasing to obtain a more economical purchase and to avoid purchase of unnecessary or duplicative items. The Purchasing Agent shall institute systematic scheduled buying procedures for items which are used on a volume basis. Departments and schools shall comply with the ordering schedules distributed by the Purchasing Agent.

8. ENVIRONMENTALLY-PREFERABLE PURCHASES

Whenever possible, consideration shall be given to purchasing Environmentally Preferable Products. For purposes of this Policy, Environmentally Preferable Products are those products or services that have a lesser or reduced effect on human health and the environment when compared with competing products or services that serve the same purpose. Such products or services may include, but are not limited to, those which contain recycled content, minimize waste, conserve energy or water and reduce the amount of toxins disposed of or consumed.

9. OTHER FORMS OF PURCHASING

The Purchasing Agent is authorized to employ all methods of soliciting goods or services, including but not limited to, cooperative purchasing, on-line auctions, reverse auctions and all other methods as allowed by applicable authority.

10. PURCHASE ORDERS AND BLANKET PURCHASE ORDERS

All purchases or contracts, other than those specifically exempted in this Policy shall be made by an authorized purchase order.

The function of a blanket purchase order is to establish a contract with a specific vendor for a type of good or service bought on a recurring basis where the cost of processing the individual purchase orders

would frequently exceed the value of the item or service but whose cumulative value for the year is a significant amount. A blanket purchase order will be issued by the Chief Financial Officer at the beginning of a calendar quarter to a particular vendor for an estimated dollar amount to be purchased during that calendar quarter. The blanket purchase order will allow the user department to draw against the purchase order when ordering required goods during a calendar quarter.

Only authorized individuals will be allowed to pick up goods or materials.

No single item over $250 in price will be chargeable on a blanket purchase order.

Issuance of a blanket purchase order does not negate the need to utilize the quote or bid process where applicable.

11. EXPENDITURES NOT REQUIRING A PURCHASE ORDER

Specific expenditures may be processed for payment without submitting a Requisition/Purchase Order. Expenses of this nature are usually recurring obligations of the Town or Board of Education, and the amount to be charged is not known until after the service has been performed or until after a specified billing period has elapsed. The following items do not require purchase orders:

- Utilities
- Postage
- Legal notices
- Advertising
- Mileage or travel expenses related to Town or Board of Education business
- Professional dues and subscriptions
- Payroll deductions
- Judgments and claims
- Interfund transfers
- Debt payments
- Such other items as determined by the Purchasing Agent.

12. REQUEST FOR PROPOSAL/COMPETITIVE BID

For purposes of this section, if the goods or services for which the bid or proposal is invited will be purchased repeatedly over a period of twelve (12) months, the aggregate projected expenditure for the entire twelve (12) month period shall be calculated in order to determine the total value of the purchase.

a. **WHEN A REQUEST FOR PROPOSAL/COMPETITIVE BID <u>IS NOT</u> REQUIRED**

- Purchases or contracts with an anticipated value of up to $2,500 will not require quotes or bidding.

- The purchase of consumable, non-equipment goods required for the day-to-day operation of a department or school may be made without competitive quotes, proposals, or bids by said department or school provided said expenditures are within the department or school's budget and such purchases are made at or below contracted consortium, regional, State, or Federal governmental bid quotes for the particular commodity with the approval of the Purchasing Agent.

b. **WHEN A REQUEST FOR PROPOSAL/COMPETITIVE BID IS REQUIRED**

- Purchases or contracts with an anticipated value of $2,500 and up to $5,000 shall require verbal quotes from a minimum of three (3) vendors. Verbal quotes must be summarized on the appropriate form and submitted with the purchase requisition.

- Purchases or contracts with an anticipated value of $5,000 and up to $7,500 shall require written quotes from a minimum of three (3) vendors. Emailed or faxed quotes signed by an authorized company representative on company letterhead are acceptable, as are product catalogs and online vendors. Written quotes must be submitted with the purchase requisition.

- Purchases or contracts with an anticipated value of $7,500 or more shall require use of either the Request for Proposal/Competitive Bid Process unless waived per Section F of this Policy.

- For purposes of this Paragraph (b), if a vendor declines the invitation to participate that refusal shall qualify as a response.

c. **AUTOMATIC ADJUSTMENT OF DOLLAR AMOUNT**

- The dollar amounts specified in paragraph (b) above shall be automatically adjusted in accordance with any statutory amendments to CGS 7-148v, or other statutes, as applicable.

13. BID SECURITY

If required by the Purchasing Agent, bids must be accompanied by security in one of the following forms: certified check, cashier's check, personal money order, letter of credit, or bid bond. The requirement for and amount of the security must be set forth in the bid advertisement. All security presented must show the "Town of Colchester" as the payee.

14. BIDDERS LIST

The Town and Board of Education do not maintain a formal bidders list.

15. INSURANCE REQUIREMENTS

An insurance certificate will be required from firms employed by the Town or Board of Education to perform work on buildings, property, or in the name of the Town or Board of Education. Such certificate shall hold the Town or Board of Education harmless as additional insured under said policies. The amount of such required coverage shall be approved by the First Selectman or Superintendent after review by the insurance consultant and/or carrier and prior to preparation of the bid specifications.

SECTION B
PROCEDURES FOR REQUEST FOR PROPOSAL/COMPETITIVE BID

1. PREPARATION

Whenever a Request for Proposal/Competitive Bid is required in accordance with the requirements in "Section A: Definitions & General Requirements," the department/school shall request a bid number from the Purchasing Agent prior to preparing the specifications. The date of the bid opening will be determined in coordination with the Purchasing Agent's office. A bid folder, labeled with the bid number and goods, will be prepared by the Purchasing Agent.

2. SPECIFICATIONS

The department/school will prepare the bid specifications in a format approved by the Purchasing Agent, incorporating the bid number and date of bid opening in the specifications. The completed specifications should be returned to the Purchasing Agent at least ten business days prior to the anticipated date of legal notice publication.

Bid specifications must include:

- Detailed description of goods/services to be purchased.
- Requirements regarding quality of goods/services to be purchased.
- Vendor or contractor qualification requirements.
- Requirement that all communications be in writing.
- A draft contract if the purchase requires entering into a contract.
- Format of submission.
- Number of copies of bid to be submitted.
- Deadline and address for submission.
- Insurance requirements.
- Bid security requirements, if applicable.
- Name, phone number, and email address of contact person responsible for all communications with prospective bidders.
- Criteria for selection.
- Sworn statement of identity of all owners and officers
- Information on pre-submission meeting(s), if any.
- Certification of bidder compliance with terms, conditions, requirements and other directives as contained in any applicable local, state or federal regulation, law, statute, policy or other directive, including but not limited to those pertaining to affirmative action and prevailing wages, as applicable.
- Any additional information needed for submission.

No bid shall be prepared to one vendor's exact specifications to exclude another comparable or preferred vendor.

3. NOTIFICATION OF REQUEST FOR PROPOSAL/COMPETITIVE BID

A legal notice inviting sealed bids shall be published by the Purchasing Agent in a newspaper of general area circulation or any type of media deemed to be applicable at least twenty-one days prior to the bid opening. The notice shall contain a general description of the goods or services being bid; the contact person; the day, hour, and place of the bid opening; where and when bid packages may be obtained; bid security, if required; and other information relating to the bid. An affidavit of publication will be provided when required by the Purchasing Agent.

No earlier than the date of legal notice publication, the Purchasing Agent will send the invitation to bid to

all firms and persons as requested by the user department/school, the Preferred Vendor List for services required, and any additional firms and persons the Purchasing Agent determines are qualified. A list of the firms to which the bid was sent will be included in the file for this bid.

Additional copies of the complete specifications will be prepared for firms to pick up in response to the bid advertisement.

4. BID OPENING & AWARD

All bids, and bid security if applicable, must be submitted to the Purchasing Agent in sealed envelopes and show on the face of the envelope the bid number, the title of the bid, and the bidder's name. All envelopes will be date and time stamped as received.

At the date and time stated in the legal notice, all bids will be opened in public, read aloud (vendor name and bid amount only) and recorded. No bids shall be accepted or opened that were not submitted in compliance with the procedures set forth in the notice advertising the bid.

The award shall be made to the bidder whose bid meets the requirements, terms and conditions contained in the bid specifications, and is the lowest among those bidders possessing the skill, ability, and integrity necessary for faithful performance of the work based on objective criteria considering past performance and financial responsibility (the "Lowest Responsible Qualified Bidder"). Bid award is not based solely on the lowest fee proposal submitted, but includes all other considerations listed below in "Lowest Responsible Qualified Bidder."

Within a reasonable time following the bid opening, the bids will be reviewed in detail by the department head/school administrators and Purchasing Agent to ensure the apparent low bidder meets all specifications of the "Lowest Responsible Qualified Bidder." If this bidder does not meet the specifications, or is not judged responsible, the next lowest bidder's bid will be reviewed for compliance with the specifications. The foregoing process will be followed until the Lowest Responsible Qualified Bidder is found.

In determining the Lowest Responsible Qualified Bidder, the following criteria will be considered, as applicable:

- The ability and capacity of the bidder to perform the work based on an evaluation of the character, integrity, reputation, and experience of the bidder. Consideration shall be given to previous work performed by the bidder for the Town or the Board of Education or for other agencies, including the quality and degree of satisfaction with the work performed.
- The financial resources of the bidder and the bidder's ability to secure any required bonds and/or insurance.
- Compliance by the bidder with all applicable federal, state, and local laws, including any licensing requirements.
- Delivery or completion time.
- Cost.
- Involvement in litigation.

5. CONSIDERATION FOR LOCAL VENDORS

Any Local Vendor who has submitted a bid not more than 7.5% higher than the lowest qualified responsible bidder may be awarded the bid if such local vendor agrees to accept the award at the amount and specifications of the lowest qualified responsible bidder, and meets all other conditions and requirements. Such Local Vendor shall be required to submit confirmation of its acceptance of the lower bid amount no later than 5 days after notification from the Purchasing Agent.

The provisions of this section shall not apply when the Lowest Qualified Responsible Bidder is a Local Vendor.

6. PROCEDURES IN THE EVENT OF A TIE BID

If there is a tie bid between or among vendors, the Purchasing Agent shall award the bid in one of the following manners:

- shared equally by the tied vendors, or
- award the bid on a rotating basis, or
- by draw in the presence of three or more witnesses.

7. BID AWARD

Once the Lowest Qualified Responsible Bidder is determined and an award of the bid is authorized, the Purchasing Agent shall prepare or cause to be prepared: (i) a purchase order to confirm the bid award and; (ii) when required, a contract. If required, the Purchasing Agent will bring the recommendation forward to the Board of Selectmen or Board of Education for approval as required by the Town Charter, State statutes, Board of Education policy, and this policy.

8. POST BID NEGOTIATION

Modifications in the proposed scope of the bid may be made after bid openings provided that the basic bid is still in its essential form and that all bidders have the same opportunity to submit new prices in writing for those changes being considered. Should all bids be in excess of funds available, the Purchasing Agent may work with the Lowest Responsible Qualified Bidder to negotiate reductions in scope until costs are within the amount of funds available.

9. BID FILE

The completed bid file for each Request for Proposal/Competitive Bid specific bid will contain:

- Completed record of bids
- Copy of the bid specification.
- Affidavit of publication or clipping of the bid.
- List of all firms invited to participate in the bid.
- List of all firms actually participating in the bid.
- All bids submitted.
- All correspondence related to the bid.
- Award notification
- Notice to proceed

SECTION C
PROCEDURES FOR OPTIONAL REQUESTS FOR QUALIFICATION

Whenever the Request for Proposal/Competitive Bid involves Professional Services, the Purchasing Agent may require that all bidders also comply with a Request for Qualification process. For purposes of this section, Professional services involve the furnishing of judgment, expertise, advice or effort by persons other than Town or Board of Education employees, and do not involve the delivery of a specific end product which can be defined by bid specifications and requires professional expertise.

Examples of professional services include, but are not limited to, in-service instructional leaders, pupil services, tutors, interpreters, architects, engineers, land surveyors, soil scientists, town planners, attorneys, banking and financial advisors, insurance brokers, actuaries, auditors, temporary agencies, repair services for property, equipment, and vehicles where the nature of the repair cannot be defined in advance by bid specifications and the professional expertise of the service provider is critical.

The Purchasing Agent, with the assistance of the department/school needing service, will develop the scope of Professional Services being sought in accordance with the requirements in "Section A: Definitions & General Requirements."

1. SPECIFICATIONS

In addition the requirements in Section B, the following must also be included in the RFQ:

- Project title, background, detailed description, and plans/sketches if applicable.
- Format of submission.
- Number of copies to be submitted.
- Information on pre-submission meeting(s), if any.
- Criteria for selection.
- Requirement that the fee proposal be submitted in a separate sealed envelope and not be reflected in any part of the proposal response. Fee proposal envelope must contain project cost; method of payment, i.e. lump sum, percentage, hourly rates, etc.; and distribution of the fees by phase if applicable.
- Deadline and address for submission.
- Name, phone number, and email address of contact person.
- Any additional information needed for submission.

2. RESPONSES TO RFQ

When an RFQ process is utilized, responses must be accompanied by a statement of professional qualifications containing the following information:

- Background statement on the firm, principals, staff availability, location, and financial stability.
- Qualifications and position with the firm of those key individuals who will be assigned to the project.
- List of similar projects and at least three references including contact information for work done within the last five years.
- Short description of vendor's approach to the project and a general time line for completion, including phases if any.
- Short description of typical fee structure. Fee information is only for assessing the firm's understanding of the project.
- Statement as to why the vendor is the best qualified to meet the needs of the Town or Board of Education.

3. EVALUATION & AWARD WHEN REQUEST FOR QUALIFICATION PROCESS IS UTILIZED

At the date and time stated in the notice advertising the bid, all proposals will be opened in public and recorded. No proposals shall be accepted or opened that were not submitted in compliance with the procedures set forth in the notice.

The Purchasing Agent will convene a review panel of not less than three individuals which will rank proposal submissions as follows: experience with similar projects; work approach; work schedule; staff qualifications; ability to meet requirements, terms, and conditions outlined in the RFQ; and firm's resources and stability.

A list of the most qualified firms will be developed. An interview will be conducted with a minimum of the top three qualified firms based on rankings. Fees are not to be taken into consideration as part of this determination.

After determination of the most qualified firms, the panel will open sealed envelopes containing fees. The panel will recommend a firm based on the ranking combined with the fee and will notify the Purchasing Agent by memo of its recommendation. The Purchasing Agent will bring the recommendation forward to the Board of Selectmen or Board of Education for approval as required by the Town Charter, State statutes, Board of Education policy, and this policy. A record of all proposals submitted, giving the names of the bidders, the amounts of the bids, and indicating the successful bidder shall be preserved by the Purchasing Agent in accordance with State law.

SECTION D
PREFERRED PROFESSIONAL SERVICES VENDOR LIST

It is the intent of this process to develop a list of pre-qualified vendors for specified professional services that will be available for hire by the Town or Board of Education during the contract period. Town or Board of Education departments and schools may use vendors on this list when services are needed and when pre-approved by the First Selectman or Superintendent. This list in no way requires the departments or schools to utilize vendors from the list nor does it preclude the ability of any department or school to initiate the RFP process.

The Purchasing Agent shall utilize the Request for Proposal process to develop the list and will maintain the list of all selected vendors as well as the date of inception of the list. The list shall be viable for three years from date of inception. Selected vendors shall remain on the list from the date selected until the expiration date of the list unless removed by the Purchasing Agent. At that time, a vendor may resubmit for inclusion through the process.

Vendors may be placed on the list using the Request for Qualification process in “Section C: Procedures for Optional Requests for Qualification.”

Any vendor may be removed from the list at any time by the Purchasing Agent.

The following statement must be included in materials for the Request for Proposal and Competitive Bid processes: “Submission of a response to this RFP or bid may result in your placement on our “Preferred Vendor List”. Inclusion on the list is not a guarantee of work being awarded. Any vendor may be removed from the list at any time by the Purchasing Agent.”

SECTION E
ACCEPTANCE/REJECTION OF BIDS

The Purchasing Agent may reject any and all bids or quotations in whole or in part. Bids may be rejected for, but not limited to, the following reasons:

- if there is any reason to believe that collusion exists among the bidders;
- irregularities of any kind, including, without limitation, alteration of form, additions not called for, conditional bids, incomplete bids, and unexplained erasures;
- if past performance is such that the First Selectman or Superintendent feels that the bidder cannot provide satisfactory service; or
- failure to act responsibly in dealings with the Town, Board of Education, or other customers.

The Purchasing Agent shall not accept a proposal submission from any vendor if the vendor, its sole proprietor, partner(s), or company officer(s) are in default on the payment of taxes, licenses, fees, or other monies due to the Town..

The Purchasing Agent retains the right to waive any insubstantial irregularities in the bids received (i.e. typographical errors, errors in formatting, etc.).

In accordance with CGS 7-148w, the Town may, by ordinance of its legislative body, establish a process for disqualification of any contractor, for up to two years, from bidding on, applying for, or participating as a subcontractor under, contracts with the Town or Board of Education for one or more causes set forth under subsection (c) of that section. Such ordinance shall establish procedures for disqualification which shall include notice and an opportunity for a hearing to the contractor who is the subject of the proceeding.

Nothing in this section should be construed to limit in any way the right of the First Selectman or Superintendent or his/her designee to reject any and all bids.

SECTION F
WAIVER OF REQUEST FOR PROPOSAL/COMPETITIVE BID PROCESS

In certain situations the bidding, quotation, and proposal processes described in this document may be waived even though the estimated cost exceeds the dollar threshold established in “Section A: Definitions & General Requirements.”

The formal process may be waived for any of the following reasons:

- Only one (1) reasonable or qualified source can be identified, including those furnished by a monopoly utility. The Purchasing Agent will make the final determination of single source purchases.
- Time is a critical factor.
- A formal process would result in substantially higher costs to the Town or Board of Education, or inefficient use of personnel, or cause substantial disruption of Town or Board of Education services.
- Tuition and other services as determined by Planning and Placement Team (PPT).
- Those exempted or determined by law.

The First Selectman or Superintendent may grant a waiver for any of the above-listed reasons. Upon granting such a waiver, the First Selectman or Superintendent must, in writing, state the reason(s) for granting such waiver and shall notify the Board of Selectmen or the Board of Education as applicable of such action by electronic means.

If within two business days following such notification two members or more of such board as applicable objects to the granting of such waiver then the waiver shall be suspended pending approval of the waiver by the full board. No bids shall be awarded pursuant to this process until two business days have elapsed.

A waiver for any reason other than those above requires the approval of the Board of Selectmen or the Board of Education as applicable. For a requesting department or school to obtain a waiver, a written waiver request including specific reasons for the waiver shall be provided to the First Selectman or Superintendent. The request must be signed by a department head, principal, or director. Upon receipt of the waiver request, the First Selectman or Superintendent will notify the requestor if the waiver has been granted.

SECTION G
PURCHASING IN EMERGENCY SITUATIONS OR UNDER EXTRAORDINARY CONDITIONS

The formal process may be waived for any of the following reasons:

- In the opinion of the First Selectman or Superintendent or his/her designee, an emergency requires the purchase of goods or services to avoid injury or damage to human life or property.

- To meet a public emergency as determined and approved by the First Selectman.

Emergency situations shall be defined as situations in which:

- the operation of a department would be seriously hampered; or
- life, limb or property may be endangered; or
- the health or welfare of the general public is seriously threatened.

Extraordinary conditions shall be defined as conditions which:

- are not known until after an operation has commenced; or
- require unanticipated parts, equipment or materials to be obtained in order to complete the operation.

Under conditions enumerated above, the First Selectman/Superintendent or his/her designee, may authorize purchase of necessary goods and/or services. At the time of the purchase, the department or school will secure a sales ticket, delivery slip, or invoice for the material from the vendor.

Within the timeframe determined by the Purchasing Agent for the specific emergency or extraordinary condition, a Requisition will be prepared in the usual manner. The nature of the conditions necessitating such a purchase shall briefly be provided on the Requisition. The Chief Financial Officer will then formally issue the purchase order to the vendor which will be marked "Confirming Order - Do Not Reorder".

Purchases of this nature will be kept to an absolute minimum.

SECTION H
MANDATORY REVIEW OF PURCHASING POLICY

Beginning five years from final adoption of this policy and no less frequently than every five years thereafter, the Board of Selectmen, Board of Education, and Board of Finance shall form a “work group” consisting of two members of each of the boards and the CFO to review this policy and recommend modifications as needed.